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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,262	12/09/2005	Peter Zatloukal	120083-146181	3358
60/172 7590 12/24/2009 SCHWABE, WILLIAMSON & WYATT, P.C. 1420 FIFTH, SUITE 3010 SEATTLE, WA 98101				
EXAMINER				
KOYAMA, KUMIKO C				
ART UNIT		PAPER NUMBER		
2887				
MAIL DATE		DELIVERY MODE		
12/24/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/560,262

**Applicant(s)**

ZATLOUKAL ET AL.

**Examiner**

KUMIKO C. KOYAMA

**Art Unit**

2887

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

Amendment received on December 10, 2009 has been acknowledged.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 10, 2009 has been entered.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Zalewski et al (US 6,771,981) in view of Altwasser (US 6,164,551).

Re Claims 1, 2, 6-11, 13, 14, 18, 19, 21, 26-31, 33, 34, 38 and 39: Zalewski discloses a mobile station 4 having a radio frequency component 18 that is a known component of mobile phones, which is used to transmit and receive calls and messages using radio frequencies in a radio communication network, such a GSM network (col 6, lines 65-col 7, line3). A cover 100 is

coupled to the mobile station 4 (col 7, lines 58-62). Such disclosure of a radio frequency component 18 teaches a component of a mobile communication device to output a first data, and the component being also equipped to facilitate a user in communicating with a user of another communication device, with the communication being facilitated at least in part over a wireless network. Zalewski discloses that a user may use mobile station 104 to send request for room SMS or the like to a central reservation site to reserve a hotel room. Central reservation site may send return SMS or the like comprising with room number, ID code, directions and other information (col 16, lines 35-42). Such disclosure teaches facilitating a user in providing an instruction to a component of a mobile communication device to output a first data. User may then proceed directly to room bypassing desk clerk. User then may place mobile station close to door lock which comprises an interrogator. Lock interrogates cover 100 and the cover responds with code received from central reservation site. Thus door is unlocked (col 16, lines 42-47). Such disclosure teaches the output emulating an output of the first data by an active RFID transponder, and in response to the providing an instruction, outputting the first data in the form of a radio frequency signal, the outputting emulating output of the first data by an active transponder. Since the cover 100 responds to the interrogation of the door lock, the cover 100 is monitoring for proximal presence of the RFID reader.

Zalewski fails to teach an active type and a passive type RFID transponder.

Altwasser discloses that RFID transponders are constructed as either passive or active elements. If the RFID transponder is used as an active element, the housing enclosing the integrated circuit contains an additional energy source usually in the form of a battery (col 1, lines 20-25).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Altwasser to the teachings of Zalewski such that the RFID transponder receives its energy either from an inside or outside source, so that the RFID transponder can operate in an appropriate manner.

Re claims 3, 4, 15-17, 22-24 and 35-37: Zalewski discloses a hotel door key.

Re claims 5 and 25: Zalewski further discloses that by means of a mobile station equipped with a suitable application module the user can make payments in a shop using hi/her credit account (col 5, lines 35-40).

Re claims 12, 20, 32 and 40: Zalewski shows in Fig. 6 a wireless mobile phone 104.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

Applicant amended the claims with "an active type" and "a passive type." Such new limitation necessitated new search and consideration.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUMIKO C. KOYAMA whose telephone number is (571)272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kumiko C. Koyama/  
Primary Examiner, Art Unit 2887  
December 20, 2009